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Forty-fifth session

SUMMARY RECORD OF THE 492nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 October 1994, at 3 p.m.

Chairman: Mr. LARSEN (Denmark)

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General debate (continued)

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The meeting was called to order at 3.20 p.m.

GENERAL DEBATE (agenda item 4) (continued)

1. Mr. MOSAASE (Lesotho) said that the events in Rwanda, Bosnia, Afghanistan, Somalia, Angola and Haiti were a warning to everyone of the unfortunate situations which faced many parts of the world because of violations of human rights. His Government fully supported the efforts being made by the world community, the United Nations system and, in particular, UNHCR. While the world was experiencing welcome recognition and support of democratic rule and good governance, it would be naive to underestimate the enemies of peace and violators of human rights. His Government deplored the senseless killings and human suffering in Rwanda and welcomed UNHCR's special emergency programmes in support of refugees from that country.

2. Lesotho also welcomed the successful and peaceful transition to democratic rule in South Africa. UNHCR's repatriation programme and assistance to South African returnees had played a major role in the dismantling of apartheid, but it was only a beginning in the difficult task of bringing about the economic development which would form the basis of a sustained democratic culture.

3. Lesotho had also noted with appreciation that more than 1 million returnees had been successfully settled in Mozambique, although the commendable efforts of UNHCR staff and of the Governments of Mozambique and host countries had sometimes been frustrated by refugees who, after settlement, returned to the host countries and had to be repatriated once more. It was hoped that the return of refugees to Mozambique would lead to successful and peaceful elections in that country.

4. He noted that there was increasing solidarity in the southern Africa region and that, had it not been for overwhelming support, spearheaded by the Presidents of South Africa, Botswana and Zimbabwe, for the restoration of the elected Government of Lesotho when it had been unconstitutionally overthrown, an explosive situation similar to that in Rwanda might well have occurred.

5. Lesotho welcomed the measures taken by UNHCR to consolidate its refugee activities in the southern Africa region by the establishment of a regional office in Johannesburg. His Government fully understood that the budgetary constraints facing UNHCR had necessitated scaling down its activity and presence in Lesotho, but it remained hopeful that, when the need arose, the assistance of UNHCR, through its new regional office, would be both rapid and adequate, as it had been in the past.

6. Ms. SCHIMMING-CHASE (Namibia) said that a review of UNHCR operations in the field in the past 12 months indicated that the problems of refugees and internally displaced persons were becoming greater and more complex, necessitating more rapid and more systematic responses. Her delegation welcomed the statement of the High Commissioner with regard to the need for refugees and asylum-seekers to be protected wherever they might be. The need for political solutions was a prerequisite for repatriation and it was in that area that the efforts of the international community needed to be increased, to include not only resettlement and reintegration, but also rehabilitation. Once that had been done, the inclusion of internally displaced persons would

of necessity form part of the solution. The need for economic and social changes to accompany the entire development process was an absolute prerequisite.

7. During the forty-fourth session of the Executive Committee, there had been discussion of the possibilities for peace in Angola and the consequent return of refugees, but, sadly, a state of war had continued. It was incumbent on the Executive Committee to reassess Angola's circumstances with a view to offering the necessary assistance; a solution was a prerequisite for peace in the subregion because the problems of one country could seriously affect the development of another. There was a daily influx of Angolan refugees into Namibia, albeit in small numbers, but more serious were the daily incursions and attacks on innocent people, which often resulted in death and had necessitated an unbudgeted and unplanned presence of police and security forces in the north of Namibia.

8. She was pleased to announce that, on 14 July 1994, Namibia had ratified the relevant international instruments concerning refugees with only one reservation in respect of article 26 of the 1951 Convention, which had been necessary because of Namibia's own constraints owing to teething problems as a newly independent nation. The Ministry responsible for refugees in Namibia was taking steps to secure cabinet approval for the employment of refugees possessing specific skills.

9. The opening of the UNHCR regional office in Johannesburg was of particular significance in view of the new political and sociological conditions and the developmental contributions envisaged as a result of the demise of the old order. In conjunction with the UNHCR branch office and other local non-governmental organizations, the Government of Namibia had established a refugee camp at Osire with kindergarten facilities and adult classes as well as self-help projects.

10. As a young nation, Namibia appealed to the international community for assistance in meeting all the needs of future asylum-seekers and would-be refugees.

11. Mr. de RIEDMATTEN (Switzerland), noting that he fully shared the concerns expressed by the High Commissioner in her opening statement about the new challenges with which UNHCR was confronted, said that the crisis in Rwanda, especially since July 1994, had clearly shown that UNHCR had arrived at a critical threshold in its capacity for intervention. Nevertheless, it had clearly evaluated the situation and alerted the international community without delay.

12. As the High Commissioner had said, what had been the exception unfortunately tended to become the rule and so there was a certain logic in the fact that, while facing enormous challenges which were growing at a time when its resources were limited, UNHCR was appealing to States to share some of its operational tasks. A convincing demonstration of that principle was the establishment of "service packages".

13. The Rwanda crisis had also demonstrated that UNHCR's activities must of necessity become an integral part of the search for a global solution whose objectives were political stability and respect for human rights. While the

objective was clear-cut, it was far from being achieved. The Rwanda crisis had demonstrated the usefulness of "emergency response teams", but it had also shown that UNHCR's efforts had to be supplemented by external operational contributions. External support was still vital. That was why the Swiss authorities would, in the coming year, be making available to UNHCR a team of specialists from the Corps Suisse d'Aide en Cas de Catastrophe. He was also pleased to confirm that his Government had decided to make a contribution of SwF 4 million to the UNHCR emergency programme for refugees from Burundi and Rwanda.

14. Switzerland favoured the idea of strengthening and widening the role of the Inter-Agency Standing Committee in order to respond as effectively as possible to complex emergencies. At the outset, consideration had to be given to the way in which continuity could be established between the actions of the various United Nations, governmental and non-governmental agencies and Switzerland acknowledged the special and often irreplaceable role of NGOs as partners in and supplementary contributors to UNHCR programmes. It was pleased to note that the partnership between UNHCR and NGOs had been put on a formal basis for the first time in the PARinAC concept set out in the Oslo Declaration.

15. Because of the increase in the number and frequency of humanitarian tasks, systematic evaluation in the strategic planning of UNHCR operations was extremely important. It not only increased transparency, but, by drawing on the lessons of the past, it enhanced capacity to respond to new crises. Switzerland fully supported UNHCR's initiative in establishing the post of Director of Inspection and Evaluation Services and found the proposal for the expansion of UNHCR strategic planning capacity very interesting.

16. In her excellent Note on International Protection (A/AC.96/830), the High Commissioner had outlined new approaches and strategies to fill gaps in the protection of persons fleeing their country because of armed conflict or serious internal disturbances. Each crisis and each context was different and a pragmatic approach based on consultation and agreement among the countries concerned was a useful way of finding appropriate solutions. Switzerland was ready to join other States to discuss guiding principles which, while not being legally binding, would reflect general practice. Such discussions might be useful for countries planning to update their own national legislation and Switzerland was in fact adding to its asylum act by including in it the concept of temporary protection. With regard to the question of displaced persons within a territory, Switzerland supported the UNHCR approach and associated itself fully with the conclusions drawn up by the Sub-Committee of the Whole on International Protection. It was necessary to achieve a better distribution of tasks and better coordination of activities on behalf of displaced persons.

17. Lastly, he paid tribute to the courage and self-sacrifice of those who came to the aid of refugees, often at the risk of their own lives. UNHCR was operating more and more often in situations of open conflict and had to deal directly with the question of the safety of its own staff. The personal commitment of the High Commissioner and all her colleagues, whether at headquarters or in the field, was a source of admiration and encouragement to all.

18. Mr. LOTODO (Observer for Kenya) said that his country was particularly concerned about the situation in Rwanda, Burundi, the former Yugoslavia and, to some extent, Liberia, and hoped that a lasting solution would soon be found to alleviate human suffering in those countries. The situation in Rwanda had defied human description and had no comparison in terms of the human misery and suffering it had generated; the people of Rwanda were suffering the multiple tragedies of disease, civil war and economic and social collapse, which had resulted in the deaths of hundreds of thousands of Rwandese and the flight of more than 1 million people into neighbouring countries. That flight had placed a strain on the meagre human, physical and financial resources of those countries, chief among them Zaire and the United Republic of Tanzania; the international community had done much to assist them in coping with the problem and he appealed for that assistance to continue.

19. Kenya had gained much experience in recent years in handling large numbers of refugees and could share that experience with others. There were at present some 280,000 refugees in Kenya, 80 per cent of them of Somali origin and 80 per cent officially registered and staying in established camps. The impact of their presence was felt especially in the economic, social, environmental and security areas. Kenya would continue to provide safe haven for them until their countries of origin were safe enough for them to return and it would continue to fulfil its obligations under the 1951 Convention and the 1967 Protocol, as well as the OAU Convention. It nevertheless considered that voluntary repatriation should be encouraged and supported when countries of origin had gained some form of stability.

20. He expressed his Government's gratitude for the assistance given to its police department by the UNHCR branch office in Nairobi, which had met his request, made at the forty-fourth session of the Executive Committee, by providing vehicles to help the police maintain security in the refugee camps in the North-Eastern Province. UNHCR had also promised to help train Kenyan police deployed in areas where refugees were located. In the past year, four refugee camps in Kenya had been closed and most of the refugees had returned to their countries. However, the presence of refugee camps in the Coast Province of Kenya had had a considerable impact on the country's tourist industry and he requested UNHCR to intensify its efforts to repatriate the refugees to Somalia and relocate others who could not return for reasons of security to the camps in the North-Eastern Province. His Government was ready to cooperate and give every assistance in that endeavour. Tourism was a major, and very sensitive, sector of the Kenyan economy and his Government craved the understanding of the international community in its desire to see refugees repatriated or relocated away from the coastal area.

21. As he had reported at the forty-fourth session, refugees had continued to compete with the local population for limited hospital space and, in some cases, that had led to resentment on the part of local communities. In that connection, he thanked UNHCR for its assistance in supplying hospital needs, which had somewhat eased existing shortages.

22. He drew the Executive Committee's attention to his Government's decision that refugee camps in the Coast Province had to be closed and the refugees moved to camps in northern Kenya, while those ready to return to their

countries were repatriated. His Government hoped that the international community and UNHCR would show understanding of its decision, which was due to a number of causes.

23. First, the ever-increasing number of incidents of insecurity in and around the refugee camps, most of which were attributable to refugee aggression towards the local people and intrusion into their property, had triggered cases of physical confrontation. Second, the spillover of refugees into Mombasa and Malindi and their sometimes violent behaviour had affected tourism, his country's main economic activity. Furthermore, it was now established that most of the illegal weapons in Kenya had been brought into the country by refugees. Local criminals had taken advantage of the refugees' presence to create insecurity. His delegation urged UNHCR to continue to work to create an enabling environment in Somalia so that the refugees might return to their homes feeling secure. It also appealed for more cross-border operation funding which would help the refugees from Kisimayu to be repatriated urgently.

24. Overcrowding in some camps in Mombasa had led to an unhygienic situation which had caused a cholera epidemic to break out in May-June 1994. It was essential to decongest the coastal refugee camps in order to avoid epidemics such as those which had occurred in Goma in Zaire. Despite the sterling efforts made by Kenyan medical staff, about 50 of the 153 persons identified as having cholera had died (local people and refugees).

25. UNHCR, together with the Joint Voluntary Agency (JVA), had also been very active in processing resettlement cases. A good number of refugees had been able to resettle in a third country, thus reducing the burden on Kenya. In that connection, he thanked the Governments of the United States, Canada, Australia, the Scandinavian countries and all others which had accepted some of the asylum-seekers concerned. He also thanked all agencies operating refugee programmes in Kenya, such as Care International, Médecins sans Frontières (MSF), the International Rescue Committee (IRC), the Lutheran World Federation (LWF), the Kenya Red Cross Society and the African Medical Research Foundation (AMREF), for their great assistance. Many friendly countries had also assisted by donating food, equipment and medicine which the agencies had used in delivering services to refugee camps in different areas.

26. Mention had to be made of a most serious issue which, if not immediately attended to, would increase environmental degradation in the areas occupied by refugee camps. Water and wind erosion was already creating serious signs of desertification in camps such as Kakuma and Marafa and the large camp at Dadaab. More than 25,000 hectares of land in the Dadaab area had been completely degraded, the wood fuel demand being more than 48,000 tonnes a year as against a sustainable amount of 16,000 tonnes a year. Trees were being cut down in an uncontrolled manner.

27. As UNHCR was aware, water use in some areas exceeded natural replenishment capacity. He hoped that the UNHCR environmental consultancy would produce a practical recommendation with a view to containing the desertification of an already fragile environment.

28. Kenya had sent delegations to other countries with a view to making its problems known and sharing its ideas on and experience in the management of

refugee programmes. In appealing once again for further assistance, especially to speed up repatriation and resettlement, he expressed his delegation's thanks to UNHCR, WFP, UNICEF, UNDP and all United Nations bodies, as well as to the Working Group on Solutions and Protection and its Rapporteur.

29. His delegation had noted with concern the comments made by the representative of Sudan alleging mistreatment of Sudanese refugees in neighbouring countries. His country fervently wished to see the normalization of the situation in Sudan and the return home of Sudanese refugees now in Kenya. It assured the Executive Committee that all refugees in Kenya received the same treatment. He was not aware of any mistreatment of refugees, Sudanese or other, in his country and would be grateful if the Sudanese delegation would let him have any factual information to the contrary that it might possess.

30. Ms. BAUTISTA (Philippines) noted that UNHCR had vigorously and effectively met the major challenges facing it in the past year and expressed her Government's strong support for the initiatives taken by the High Commissioner in the achievement of UNHCR's protection function and in upholding the institution of asylum. Her Government's appreciation also extended to the UNHCR personnel working in extremely difficult circumstances. In that connection, she welcomed the High Commissioner's proposal for the creation of an inspection and evaluation service.

31. Her delegation shared the concern expressed by previous speakers about the problem of internally displaced persons and considered that, pending the preparation and adoption of a new international legal instrument to cover new refugee situations, there was a need for the establishment of new protection mechanisms on the basis of strong inter-agency coordination and with the full support and cooperation of the State concerned. Her delegation particularly welcomed the enhancement of the relationship between UNHCR and its NGO partners. Close cooperation with local NGOs in capacity-building was desirable, as the shared expertise would assist them in continuing refugee protection functions once the foreign-based NGOs and, perhaps, UNHCR itself had moved on to more pressing tasks.

32. Her delegation attached particular importance to the need to incorporate concern for refugee women and children in all UNHCR programmes. It was particularly distressed by continuing reports of sexual violence against refugee women, a humiliation that made women victims twice over. It hoped that the suggestion to enhance the role of the Senior Coordinator for Refugee Women would be given serious consideration and it would follow closely the implementation of the revised Guidelines on Protection and Care of Refugee Children recently issued by the High Commissioner.

33. Turning to the Asian region, she said that her delegation welcomed the continued progress in the implementation of the Comprehensive Plan of Action (CPA) for Indo-Chinese Refugees and the agreement reached at the Fifth Steering Committee Meeting held early in 1994 that CPA should be concluded by the target date of the end of 1995. It was to be hoped that, in addition to the many innovative and successful mechanisms developed under CPA, modalities would be worked out for dealing with still outstanding problems, in particular that of screened-out refugees which was especially troublesome to first-asylum

countries like her own. The solution of local integration was not a feasible one for the Philippines, whose authorities had recently taken steps to ensure that persons wanting to stay in the country as non-refugees were given proper support to assist them in their return to Viet Nam under conditions of safety and dignity. The mechanisms needed to make that possible could be discussed at a formal Steering Committee meeting which might be held early in 1995 so as to allow enough time for their implementation, thus ensuring the successful conclusion of CPA by the end of 1995. As with other UNHCR activities, resources were needed to bring CPA to a close. Her delegation hoped that the international community would continue to lend its support to that important humanitarian programme and in that connection thanked the Japanese Government for its recent pledge of US$ 20 million for CPA.

34. Mr. KAMANDA WA KAMANDA (Zaire) expressed his Government's appreciation for the competence and efficiency with which the High Commissioner was carrying out her task, and especially for the promptness of her response to the tragedy in Rwanda, and paid special tribute to UNHCR personnel, who were often obliged to work under very difficult conditions. While he welcomed the remarkable display of international solidarity in support of the Rwandese refugees in Goma, he could not help noting that, contrary to the human rights philosophy, some selectivity was being applied in the delivery of international humanitarian assistance.

35. For many years, Zaire had been one of the African countries with the largest number of refugees in its territory. The refugees came from Angola, Burundi, Uganda, Sudan and other countries, as well as Rwanda, the first wave of refugees from the latter country dating back to 1960. Nothing in his country's experience could, however, be compared with the unprecedented emergency created by the current internal conflict in Rwanda.

36. On 14 and 15 July 1994, the town of Goma, which had been designed for about 200,000 inhabitants, had received close on 2.5 million Rwandese refugees at a rate of roughly 10,000 persons per minute. The arrangements for dealing with an influx of refugees, kept ready ever since the announcement of the death of the Rwandese President on 6 April, had proved totally inadequate to cope with the tide of persons in distress which had swept into the town and the surrounding countryside.

37. Today, the towns of Goma and Bukavu were practically asphyxiated, Lake Kivu polluted, the air unbreatheable, the city parks looted, the houses systematically stripped of wood by refugees in search of firewood. There was an acute shortage of food and water for domestic consumption; economic activity and daily life in general had virtually come to a standstill and, most serious of all, there had been an outbreak of cholera which had ravaged not only the refugee, but also the Zairian population - the proportion of deaths being 1 Zairian for every 10 Rwandese - and had been accompanied by cases of dysentery, meningitis and typhoid fever.

38. Yet the world still remained silent on the subject of the rights of the Zairian victims of a war in which they had taken no part. No one spoke of assistance to countries of asylum and, in particular, to Zaire, ignoring the fact that its contribution, if it could be quantified, would undoubtedly make Zaire a donor country. At the height of the crisis, when Goma and Bukavu had been suffering acute shortages of food, water and medicines, many of the

non-governmental organizations and humanitarian agencies operating in those towns had not seemed to care that the Zairian population was also suffering and dying as a result of those shortages.

39. The disaster had struck his country just when it had begun to emerge from a serious and prolonged political and institutional crisis. Weakened as it was, Zaire had nevertheless kept its borders open in a spirit of solidarity with the Rwandese people and out of respect for African humanist values, in conformity with the purposes and principles of the United Nations. More than to any other value, however, his country was attached to the preservation of peace.

40. In the name of peace, every State should be fully responsible to its people, assume its own national contradictions and refrain from blaming others for its inability to deal with those contradictions. Otherwise, the international community, at both the regional and world levels, would have to help the country to develop its capacity to resolve its problems without creating traumas for other countries.

41. In her opening statement, the High Commissioner had pointed out that the objective of the armed elements of the former Rwandese army and militia, which had endangered the lives of refugees and humanitarian staff and disrupted the delivery of relief and essential services, seemed to be to control the refugee population, to block its voluntary return to Rwanda and build resistance against the Government in Kigali.

42. While that seemed to be the objective for some, for others, it was to prevent the refugees from returning to Rwanda and ensure their settlement in Zaire by exploiting the principle of voluntary return and by failing to create the conditions for such a return in Rwanda. Although some refugees had returned to their homes, others continued to flee. It was therefore necessary to seek a global approach that involved the neighbouring States of Rwanda and Burundi, the Organization of African Unity, the United Nations and UNHCR in order to find durable solutions based on respect for the concept of the continuum of humanitarian assistance, rehabilitation, reconstruction and national development in the region of the Great Lakes countries.

43. In any event, the return of the Rwandese refugees to their country was the ideal solution and Zaire, Rwanda and UNHCR should conclude an agreement which provided clear-cut and adequate guarantees to allow the refugees to return home, machinery to verify the guarantees and a specific repatriation timetable.

44. In Goma and Bukavu, schoolchildren had not returned to school because schools and other public buildings were still occupied by refugees. Ordinary farming activities - with a view to preventing famine and crop shortfalls - continued to be impossible. If the favoured treatment given to refugees by selective humanitarian assistance, which ignored the local population, was also considered, the tolerance threshold would soon be exceeded, not to mention the frustration connected with the destruction of the environment in an important tourist region.

45. His Government was prepared to promote the repatriation of the Rwandese refugees by neutralizing the activities of all those in its territory who

were in violation of his country's legislation and hospitality, trying to place obstacles in the way of the refugees' voluntary return to their country. Zaire would provide UNHCR with the necessary assistance for the refugees' voluntary return. It called on UNHCR and the international community to provide adequate logistical support for that purpose.

46. The territory of Zaire would never be used by Rwandese or anyone else to destabilize Rwanda. His Government prohibited Rwandese politicians and military personnel in Zaire from engaging in certain activities or making political statements on Zairian soil and would continue to keep them at some distance from Rwanda's neighbouring towns. Rwandese soldiers in Zaire would be disarmed and confined to barracks. Zaire did not allow Rwandese refugees to become hostages to any political force in violation of its legislation. In return, his Government had no intention of suffering from policies decided in a sovereign manner in Rwanda or elsewhere concerning Rwandese citizens.

47. The hospitality which Zaire had extended to Rwandese citizens had created a humanitarian disaster in North and South Kivu. His Government called on UNHCR to help to mobilize the solidarity of the international community on Zaire's behalf so that it could take part in the rehabilitation of economic and social infrastructures with a view to helping the affected Zairian population to have a normal life once again.

48. He thanked all States, politicians, United Nations agencies concerned with humanitarian programmes, the High Commissioner, ICRC, Médecins sans frontières, and national and international non-governmental organizations which had helped the Rwandan refugees in Zaire.

49. In accordance with the joint communique which had been issued at the end of the work of the Zaire-Rwandese Ministerial Meeting in Goma in August 1994, the two parties had agreed to join their efforts with a view to promoting the voluntary return of Rwandese refugees to their country with the assistance of UNHCR, had called on UNHCR to provide the necessary logistical support for the repatriation of the Rwandese refugees and had accepted the principle of concluding a tripartite agreement designed to facilitate the repatriation of the refugees. They had also called on UNHCR to submit a draft agreement containing the necessary Rwandese guarantees to ensure the refugees' return to their country. Under the agreement accepted by UNHCR, Zaire would also facilitate the voluntary return of refugees and UNHCR would undertake to provide the necessary resources.

50. To facilitate the refugees' return, Zaire had drawn the Secretary-General's attention to the important question of moving military personnel away from the camps. It had identified the various sites to which soldiers and former political leaders should be transferred. At the present time, a joint mission of 10 Government experts, 4 UNAMIR representatives, 1 UNDP representative and 1 UNHCR representative were at work in Zaire with a view to identifying the categories and groups that should be removed from North and South Kivu, evaluating the cost of transportation and housing and repatriating refugees who wished to return to Rwanda. The mission would also inspect the camps reserved for Rwandese military personnel.

51. The situation in Burundi was also a matter of serious concern. All those who had some influence in Burundi should help the persons involved as soon as

possible with a view to seeking comprehensive and durable political solutions that would not be regarded by any particular group as shameful capitulation. Any new outbreak of violence in Burundi could only aggravate the situation and endanger the precarious peace in the Great Lakes region.

52. On the basis of respect for fundamental humanitarian principles, impartiality and neutrality, Zaire considered that it could expect the international community's support for its national reconstruction efforts, substantial assistance for the local populations affected by the influx of refugees and compensation for the sacrifices it had made with the limited means available to it.

53. When it was known that there were countries which refused to open their borders, support from UNHCR and the international community for countries which agreed, despite their economic and social problems, to shoulder the refugee burden was the least that could be provided, out of respect for fundamental humanitarian principles, impartiality and neutrality.

54. Mrs. CARRIZOSA (Colombia) said that her delegation fully agreed with the High Commissioner about the importance of safeguarding UNHCR's mandate and its humanitarian nature. As had been pointed out, the principles of impartiality and neutrality guaranteed the credibility of humanitarian action. Those characteristics paved the way for the organization in extremely difficult circumstances and made it possible to create an appropriate environment for advancing peace processes.

55. It was also important to safeguard the right of asylum against the efforts being made to threaten that institution. Xenophobia, unemployment and recession should not be insurmountable obstacles to the protection of that right. It was precisely because refugees constituted a category of persons who could not rely on the support of the Government that their condition was nearly always an emergency and that such protection had to be offered outside the framework of political and economic processes. Guarantees of the right of asylum derived not only from legal commitments, but also from the international community's sense of solidarity and generosity.

56. With regard to the question of internally displaced persons, it was clear that the population displacements and the resulting consequences were the responsibility of the Governments concerned and that responsibility could not be replaced by humanitarian assistance. The fact that a displaced person did not cross a border did not change the fact that he was without protection. It was that situation which made him a candidate for humanitarian assistance which, for one reason or another, could not be provided by his own Government.

57. Efforts to find practical and legal ways of assisting such persons were a legitimate objective for an organization such as UNHCR. Her delegation also considered that the preventive action which UNHCR could take with regard to the problems of displaced persons included the possibility of offering its know-how and experience in handling that type of problem to the countries concerned. The fact that displaced persons were ignored was not always the result of a lack of will on the part of their Governments. In many cases, the main problem was the lack of a clear understanding of the causes, scope and nature of the problem. Helping to shed light on the various aspects would be

a fundamental step towards dealing with the root causes of the problem. In that respect, the importance of UNHCR's action could not be underestimated.

58. Her delegation joined all those which welcomed the successful work of CIREFCA in Central America. As had been pointed out, it was essential to promote a regional approach to refugee problems.

59. Her Government had benefited from the interest shown in internally displaced persons by non-governmental organizations and international agencies. The Inter-American Institute of Human Rights in Costa Rica had published a report on a technical assistance mission on internal displacement in Colombia, which would help to find ways of protecting the persons concerned and preventing displacement. The visit by Mr. Deng, the representative of the Secretary-General, in June had promoted the coordination of the efforts being made by her Government and all the other organizations concerned. Her Government hoped to be able to implement the recommendations and suggestions which Mr. Deng had made in order to adopt a broader approach to the problem of displacement.

60. Mr. MAJDI (Morocco) said that 1994 had been marked by one of the most terrible tragedies since the Second World War, namely, the genocide that had taken place in Rwanda within the space of a few weeks. As in the case of Bosnia and Somalia, events in Rwanda showed that there were limits to humanitarian action. Nevertheless, a positive event had taken place in Africa with the peaceful transition in South Africa to a promising democratic Government. The peace process in the Middle East was also developing in a positive manner and must be recognized and encouraged.

61. Further progress had been made under the auspices of UNHCR in Asia, for example, with the conclusion of the Comprehensive Plan of Action for Indo-Chinese Refugees and the preparations for voluntary repatriation to Myanmar. Account must also be taken of the peace process in Mozambique, the organization in Georgia of the return of displaced persons to Abkhazia and the reintegration of refugees and displaced persons in Tajikistan. Improved prospects for the repatriation of refugees to Guatemala were also encouraging.

62. Voluntary repatriation was still the most desirable solution to the refugee problem. It should be encouraged by creating the necessary conditions so that the persons concerned could freely express their will and by guaranteeing their return in dignity and safety.

63. With regard to the Overview of UNHCR activities (A/AC.96/824), his delegation agreed that the task of managing the problems of a constantly increasing number of refugees and which amounted at the present time to 20 million persons was enormous. It required an extra effort of solidarity on the part of the international community and increased financial and human resources to be made available to the High Commissioner.

64. Recent events had shown there was a need to strengthen UNHCR's means of action with a view to improving its capacity to intervene rapidly together with other United Nations agencies and non-governmental organizations. In that connection, his delegation welcomed the PARinAC process, which had led to the Oslo Conference, and the adoption of the Plan of Action containing proposals for strengthening cooperation between UNHCR and NGOs. The Plan of

Action could be the basis for a joint UNHCR/NGO humanitarian programme aimed at dealing with the vast problem of refugees throughout the world.

65. He stressed the importance of international action and was aware of the scope of the challenges and new tasks facing UNHCR. His delegation also shared UNHCR's concern about the limits of existing instruments in view of large-scale refugee inflows, which were caused not only by political upheaval or massive and systematic violations of human rights, but also by natural disasters and uncertain economic and social situations. That new category of refugees created a set of different problems, but called for the same commitment and duty of solidarity. That situation required reflection on the part of the international community in order to fill the gaps in international protection.

66. Women and children accounted for 80 per cent of the refugees in the world and were the most vulnerable sectors of the population. UNHCR, which had adopted a new approach to their protection in the past few years, should be ensured of the support of all members of the Executive Committee so that it could continue along those lines. In that connection, he welcomed the recommendations adopted by the Executive Committee and the guiding principles proposed.

67. His delegation also welcomed the commitment made with regard to internally displaced persons.

68. The refugee situation in Africa continued to be a matter of concern, since that continent had the highest number of refugees and displaced persons. The host countries' precarious situation did not enable them to absorb the flow of refugees and greater mobilization by the international community was therefore necessary. Similar efforts should be made with regard to the Bosnian population, a victim of "ethnic cleansing", which had been universally condemned.

69. Although his country was not one of the major donors, it had on several occasions demonstrated its solidarity with refugees and the countries concerned through bilateral aid and assistance and through humanitarian agencies, including UNHCR.

70. With regard to the question of Western Sahara, he drew attention to the statement by the Prime Minister and Minister for Foreign Affairs of the Kingdom of Morocco in the General Assembly that the United Nations settlement plan had entered its final phase and that Morocco fully cooperated with the Secretary-General, as indicated in his reports.

71. Mr. MEGHLAOUI (Algeria) said that the causes of the refugee situation varied from country to country and could give rise to such catastrophic situations that there could be doubts as to the limits to humanitarian action.

72. In order to be effective, prevention had to be implemented within an appropriate and concerted framework involving the States and organizations concerned. Where the framework was national, the authorities of the country concerned should be the focus of the undertaking and any action should be taken with their agreement. Where the framework was regional, primary use should be made of existing machinery at that level. In that connection, he

noted that there was a refugee office in the secretariat of the Organization of African Unity which was assisted by a group of ambassadors posted in Addis Ababa.

73. Africa was currently celebrating the twenty-fifth anniversary of the 1969 Convention, which had been implemented for over 20 years. It was an instrument which provided proof of the generosity of Africans, a generosity which Africa greatly required in order to deal with the sufferings of millions of refugees and displaced persons. The tragedy in Rwanda had complicated that situation. Africa needed sustained and coherent action in order to prevent it from becoming marginalized. Efforts must be made to give it development prospects, a task which went beyond UNHCR's mandate and came under the responsibility of the international community and, in particular, its most developed segment.

74. As a result of the rapid increase in the number of refugees and displaced persons throughout the world, borders were being opened less easily. Instruments governing refugees had reached their limit. In his delegation's view, States, particularly those which bore the heaviest burden, should be reassured by focusing programmes in favour of refugees more on their return to their countries of origin. It was clear that repatriation should be voluntary and take place in conditions of dignity and safety.

75. With regard to legal instruments, priority should be given in the first stage to the regional level and action should be adapted to existing conditions. In view of the predictable reticence of States, it would be unwise to place any hopes in the conclusion of a new convention that better reflected the current situation. However, it was perhaps time to consider the possibility of compiling all the relevant texts adopted at the international, regional, national levels and by international bodies. Such a document could be used as a reference by States and governmental and non-governmental organizations.

76. The return of refugees to their countries of origin was the ideal solution. It should take place in dignity and safety, but that presupposed the elimination of the cause or causes which had forced the refugees to choose the difficult road of exile.

77. His Government would continue to grant protection and assistance to Western Saharan refugees and displaced persons from Mali.

78. As far as the Western Saharans were concerned, it was clear that the end of their exile depended on the holding of an impartial referendum on self-determination in accordance with the plan accepted by the two parties, the Kingdom of Morocco and the Frente POLISARIO, and endorsed by the United Nations. The legitimate national aspirations of the people of Western Sahara could not be stifled. To avoid prolonging the sufferings of the people of Western Sahara and to ensure peace and stability in the region, a just and lasting solution must be found as quickly as possible. His country would continue to work tenaciously towards that goal.

79. With regard to displaced persons from Mali, Algeria, which was working with that friendly neighbouring country and in cooperation with UNHCR and IFAD, was in the process of preparing their repatriation and socio-economic

reintegration. It was in that spirit that the four partners - Algeria, Mali, UNHCR and IFAD - had signed an agreement in August 1994 to pave the way for voluntary repatriation. That operation was an example of cooperation between two neighbouring countries and international agencies. It deserved to be supported by the necessary means for its success, for it was a contribution to peace.

80. The problems caused by refugees and displaced persons concerned all countries. The tragedies in Rwanda and Bosnia and Herzegovina, for example, had created shock waves that were not being felt only in neighbouring countries. No precautions could be taken to keep a refugee problem within foreseeable limits. The time had come for the entire problem of refugees and displaced persons to be considered at the global level with a view to finding new solutions capable of preventing or shortening the sufferings of millions of human beings.

81. Mr. MWANSA (Zambia) said that he fully supported the views and ideals Mrs. Ogata had expressed in her statement to the forty-fifth session of the Executive Committee.

82. Since 1993, the number of refugees in Zambia had fallen from 141,000 to approximately 131,000 as refugees from South Africa, Malawi and Mozambique had begun returning to their countries of origin now that the situation had improved. The repatriation of Mozambican refugees, in particular, had proceeded well and according to plan.

83. However, Zambia continued to act as a host country to refugees fleeing the war in Angola, the crisis in Rwanda and the unrest and instability in Zaire and Burundi and still required the international community's support in its efforts to deal with the continuing inflows of refugees.

84. The European Community had given 1.2 million ECU to help Zambia meet refugee needs in the north-western part of the country. The welfare of the refugee population at Meheba settlement in Solwezi district had improved considerably thanks to such timely assistance. However, refugees living outside formal settlements along Zambia's common borders with Angola and Zaire were also desperately in need of help.

85. Growing flows of refugees were weighing heavily on global resources. Governments in Africa should therefore continue to do their best to reverse those flows. A stabilized Africa would be able to concentrate on economic reconstruction and modernization.

86. Zambia operated an "open door" refugee policy and would continue to admit all genuine refugees into the country in accordance with United Nations and OAU instruments and its own domestic legislation.

87. On 2 September 1994, the last group of Zambian refugees who had been living in Zaire since 1965 had returned voluntarily to Zambia. Zambia was extremely grateful to the authorities of Zaire for granting Zambian nationals asylum for such a long time and for their assistance during the period of repatriation.

88. Mr. MICHALKO (Observer for Slovakia) said that migration was of particular relevance to Slovakia because of its geographical location. The 1990 Law on Refugees of the former Czechoslovakia had been amended to reflect the new realities of an independent State and to bring Slovakia's legislation into line with the 1951 Convention and the 1967 Protocol. The UNHCR Liaison Office which had been set up in Bratislava under an agreement between the Government of Slovakia and UNHCR concerning the legal status, immunity and privileges of UNHCR and its staff in Slovakia had been instrumental in the amendment process.

89. Refugees in Slovakia were mainly persons who had fled the accident at the Chernobyl nuclear power station and the crisis in the former Yugoslavia. The Migration Office of the Ministry of the Interior provided accommodation and social and health care for refugees, who were housed in three humanitarian centres and with host families throughout the country.

90. The Government of Slovakia had allocated US$ 3 million to the Migration Office in 1994, but that amount was not enough to cover expenditures related to refugee needs and the migration administration.

91. Under the UNHCR programme for Slovakia, financial support had been provided to facilitate medical care, psychological counselling and educational programmes and to provide up-to-date information on the refugees' countries of origin. The CEERICS registration system supplied by UNHCR would be invaluable in providing access to relevant information.

92. In 1993, 280 people of Slovak origin had moved from areas affected by the Chernobyl disaster to the territory of Slovakia, with a further 123 arriving in 1994. Slovakia's economic situation would determine whether any others would be accepted.

93. Illegal migration, particularly from eastern Europe, was a serious problem for Slovakia. Slovakia supported cooperation at the European level and increased dialogue between Governments, international organizations and non-governmental organizations with a view to the establishment of a common international legislative framework on refugees.

94. Mr. ZAHRAN (Observer for Egypt) said that the unprecedented scale of refugee problems throughout the world, particularly the alarming developments in Africa and the former Yugoslavia, called for concerted international efforts not only to solve the root causes of the problems, but also to protect refugees. However, the gravity of refugee problems should not obscure the positive achievements made in South Africa and Mozambique. In 1993, there had been 7,200,000 refugees and displaced persons in Africa requiring UNHCR assistance. The crisis in Rwanda had led to the deaths of approximately half a million people, with millions more forced to flee as refugees or internally displaced persons.

95. UNHCR observers should be sent to Rwanda to ensure that those guilty of genocide and atrocities were brought to justice and to assist in national reconstruction and the establishment of conditions under which Rwandese refugees could return to their country of origin and thus relieve the burden on neighbouring countries. Egypt had sent doctors to Rwanda and placed medicines at the disposal of humanitarian agencies.

96. UNHCR's budget would have to accommodate new expenditure in the African region. For example, $368 million were needed in 1994, some 32 per cent of the budget. The situation in the former Yugoslavia was no less deserving of increased budget allocations. There were an estimated 4.1 million refugees and displaced persons requiring assistance and large sectors of the population were forced to live under siege. Despite ethnic cleansing and unimaginable difficulties, UNHCR and non-governmental organization were doing their best to ease the situation of refugees. It was to be hoped that the agreement between the Bosnian Government and the Bosnian Serbs on the authorization of convoys and the exchange of prisoners would hold and that Sarajevo airport could be reopened, thus facilitating the flow of humanitarian assistance. There was, however, a lack of resources available to help improve the situation, particularly in Bosnia and Herzegovina, and UNHCR's efforts were thus being impeded.

97. The Note on International Protection (A/AC.96/830) contained valuable conclusions and reflected the common view that UNHCR's mandate should not be amended, but made more flexible to give UNHCR increased scope for assisting refugees who were not covered by the 1951 Convention and the 1967 Protocol.

98. Egypt fully supported the efforts being made by the International Committee of the Red Cross and national Red Cross and Red Crescent societies to provide protection for refugees and displaced persons in times of conflict. It also welcomed the increased cooperation between ICRC and UNHCR.

99. Mr. CHAKRAVARTI (Observer for India) said that India had great admiration for the impartial, neutral and apolitical mandate of the Office of the United Nations High Commissioner for Refugees.

100. The Note on International Protection (A/AC.96/830) analysed new phenomena in the area of refugee protection and dealt with categories of persons who were outside the scope of the 1951 Convention and other international legal instruments, but who nevertheless needed protection. The root causes of population flows could be traced back to desperate poverty, hunger and economic destruction. Although the restoration of peace and a civil society in refugees' countries of origin was a necessary element, it was not in itself enough. Development issues also needed to be dealt with at the multilateral level if the problems were fully to be solved.

101. As stated in paragraph 38 of the Note on International Protection, the protection of refugees was dependent on the policy and goodwill of particular Governments. It therefore advocated the creation of guidelines. His delegation's view was that standards set should be realistic and take account of UNHCR's capacities. The Note also referred to the need to separate refugees from persons who did not qualify for or deserve international protection. The distinction was of importance and should be maintained.

102. Discussions on the question of internally displaced persons should bear in mind that those persons were within the administrative and territorial jurisdiction of their own States. The consent of the State concerned was therefore a prerequisite before action could be taken to help them. Every effort should be made to ensure that UNHCR remained within its mandate when dealing with such situations.

103. UNHCR was realistic enough to be able to give an impartial assessment of where voluntary repatriation to countries of origin had succeeded. Significant achievements had indeed been made in the past 12 months. Voluntary repatriation should be monitored and actively encouraged. Local resettlement could not, however, be sustained in what were clearly overpopulated and underdeveloped areas.

104. Despite limited resources, India had a tradition of extending hospitality to refugees. Repatriation had taken place on a voluntary basis through bilateral arrangements. Tens of thousands of refugees from Sri Lanka and the Chittagong Hill Tracts in Bangladesh had been living in India, but agreements had been reached with those Governments on their voluntary repatriation.

105. Mr. PRATOMO (Observer for Indonesia) said that his Government hoped that specific developments with regard to the situation of camps in first-asylum countries would be taken into consideration in the formulation of country programmes and during the consideration of administrative and financial matters for 1995.

106. Refugee status determination procedures had been completed in Indonesia, the Philippines, Malaysia, Thailand and would be finished in Hong Kong by the end of 1994. An estimated 52,000 non-refugees would therefore have to return to their countries of origin by the end of 1995, while some 2,615 Vietnamese who had arrived before the cut-off date were awaiting resettlement.

107. In view of the need to complete work under the Comprehensive Plan of Action in South-East Asia (CPA) by the end of 1995, particular attention should be paid to the situation of approximately 52,000 Vietnamese boat people who were still living in first-asylum camps, including in Indonesia. The forty-fifth session of the Executive Committee should try to find ways and means to overcome obstacles to a plan of action relating to resettlement and repatriation. The resettlement programme for 1994-1995 should include the destinations and time schedule for resettlements in third countries so that first-asylum countries could make the necessary technical arrangements as soon as possible. It seemed that the only solution for non-refugees would be repatriation to their countries of origin. It was to be hoped that CPA could be completed with no asylum-seekers remaining in first-asylum countries, thereby preventing any residual problems. In cooperation with donor countries and international communities, UNHCR should provide assistance until the completion of the resettlement and repatriation programmes in the region.

The meeting rose at 6.05 p.m.